

REMARKS

Claims 1-20 are pending in the application. With this amendment claims 1 and 20 have been amended. New claim 21 has been added.

Claim 20 has been objected to as indicated by the Examiner. Accordingly, claim 20 has been amended to define that the variable control mechanism communicates with a control unit or with a pressure sensor arranged on the coupling plate, see Fig. 1, wherein pressure sensor 13 is in operative communication with the variable control mechanism 11. Accordingly, no new matter has been added.

Paragraph [0052] has been amended to define that the closing bar 5 is mounted using the bearing hole 20 and can be pulled out to the side in order to release the closing hook 4. Figure 4 illustrates that the closing bar 5 includes the bearing hole 50 through which the closing bar is mounted. Figure 1 also shows the closing bar 5 mounted using the bearing hole. Accordingly, no new matter has been added.

Claims 1-5, 7-12, 14, 15 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, DE 94 01 718 in view of Heinzl, DE 43 04 857, Riskedal, U.S. Patent 6,874,599 and Elyakim, U.S. Patent 4,477,100. Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, Heinzl, Riskedal and Elyakim in view of Oloman et al., U.S. Patent 5,968,325. Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, Heinzl, Riskedal and Elyakim in view of Oloman et al., and Schedratl et al. U.S. Patent 5,438,881.

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, Heinzl, Riskedal and Elyakim in view of Sedlatschek et al., U.S. Patent 3,844,729. Claims 1-4, 14 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, in view of Heinzl and Schneider, DE 41 10 893.

It is respectfully submitted that the cited references cannot render independent claim 1 obvious. Independent claim 1 has been amended to further define that the grease reservoir is connected by a lubricating line solely to the closing hook. The claimed feature is disclosed in the application as originally filed in paragraph [0043] of the substitute specification which contains the language: "the closing hook 4 is connected directly to the lubricating line 7." Furthermore, the skilled person learns from paragraph [0013] that the

closing hook should be lubricated. Additionally, Figure 1 shows closing hook 4 being solely connected to the grease cartridge 9 by lubricating line 7.

There is a synergistic effect between the sliding coating of the closing hook and/or closing bar which leads to decreased grease consumption by the closing mechanism, and the mounting position on the bottom side of the coupling plate, especially as the area has very little space and is usually not appropriate for a grease reservoir. Due to the decreased grease consumption by the coated closing hook and the fact that just the closing hook has to be supplied with grease, and not the coupling plate, the grease reservoir can be formed of a relatively small size and therefore arranged in that respective area on the bottom side of the fifth wheel coupling plate. As can be seen in Fig. 1, the top side of the coupling plate comprises two-semi circular shaped pads made of plastic allowing operation of the coupling plate without any grease supply.

With respect to the cited references, it is noted that four different references are combined and utilized to reject claim 1. In view of the diverse scope and content of the references, it is unclear how one of ordinary skill in the art would have understood the references or would have been lead to combine the individual elements of the cited references in order to arrive at Applicants' inventions set forth in independent claim 1.

Rockinger mentions three different solutions for the grease supply of the fifth wheel coupling. According to a first embodiment shown in Fig. 10, fifth wheel plate 52 comprises grease openings 59 on its bottom side, wherein each of the grease openings 59 is provided with a grease nipple 59a. The closing hook is connected via conduit 65 with peripheral flange 52b which also carries grease nipple 67. However, for the grease supply of the whole fifth wheel assembly, someone has to connect each grease nipple 59a, 67 with a grease gun and provide the coupling with grease by hand.

Due to the fact that said grease nipples 59a are placed on the underside of the coupling plate 52 it is difficult to connect the grease nipples 59a with the grease gun. Therefore, Rockinger discloses a second embodiment shown in Fig. 11. The only difference with respect fo Fig. 10 are conduits 69 running from each of the grease openings 59 to said peripheral flange 52b being fitted with a grease nipple 67, respectively. Hence, the person who has to grease the fifth wheel can comfortably

stand beside the tractor and connect the grease gun with the respective grease nipples 67 located in peripheral flange 52b successively.

Accordingly to a third embodiment, conduits 65, 69 lead into a distribution block 70 which is connected via main conduit 70 with a central lubrication system of the tractor.

The cited Rockinger reference does not include a scope and content that discloses the grease reservoir being permanently connected by the lubricating line solely to the closing hook. Furthermore, the feature of the grease reservoir being formed as a grease cartridge being arranged on the fifth wheel is not within the scope and content of the Rockinger reference.

Even if one of ordinary skill in the art was in possession of the Heinzel reference, he would not be able to arrive at the invention set forth in independent claim 1. It is respectfully submitted that the skilled person would implement the closing hook according to Heinzel into the known fifth wheel coupling according to Rockinger. Therefore, the grease supply would still have to be provided "by hand", or alternatively via the central lubrication system of the tractor.

Moreover, neither the Riskedal nor Elyakim teach supplying grease to the closing hook. Both references simply show a grease supply located on the top side of the fifth wheel plate.

If one of ordinary skill in the art would try to implement the teaching of Riskedal into the modified device of Rockinger and Heinzel, he would consequently connect the grease openings 59 of Rockinger belonging to the coupling plate 52 with the grease gun 12 of Riskedal that is arranged somewhere on the tractor. Riskedal does not include a scope and content that shows or suggests any information concerning a closing hook. Therefore, a person of ordinary skill in the art does not receive any information that the closing hook has to be connected by a lubricating line to a grease cartridge mounted on the fifth wheel. The scope and content of Riskedal leads away from the invention due to the different positioning of the grease reservoir and the greasing of the coupling plate instead of supplying grease to the closing hook as specifically claimed.

Even if one of ordinary skill in the art would consider the Elyakim reference, he would learn to provide a grease reservoir on the receiving plate 10 and to connect the

grease reservoir 13 with grease recesses 12 on the topside of the coupling plate 10. The Elyakim reference also fails to disclose connection of the grease reservoir with the closing hook by a lubricating line as specifically claimed.

Accordingly, it is respectfully submitted that independent claim 1 cannot be rendered obvious in view of the combination in view of Rockinger, Heinzel, Riskedal and Elyakim.

It is respectfully submitted that claim 1 cannot be rendered obvious in view of the combination of Rockinger, Heinzel and Schneider. On page 10 of the Office Action the Examiner states that lubricant supply 32 mentioned in the Schneider document cannot be a distributor because there does not appear to be a supply line connected to distributor 32 inputting a lubricant into member 32.

The distributor 32 comprises such an input although it is not shown in Fig. 1 due to the fact that it is relatively unimportant to the disclosed device. The description provides information concerning the grease supply of the distributor 32 in column 3, lines 26-34. Therein it is stated that grease can be discharged into the grease channel system by connecting the lower end of the rotatable pin (Schwenkbolzen 20), with a central lubricating line and/or a grease gun. Preferably the grease supply should be part of a central lubricating system. Consequently, the mentioned grease openings and their channels should be supplied a) by hand, or b), via the central lubricating system.

Apparently, the known document according to Schneider also fails to mention a grease reservoir, which is connected by a lubricating line solely to the closing hook.

Accordingly, it is respectfully submitted that independent claim 1 cannot be rendered obvious in view of Rockinger, Heinzel and Schneider.

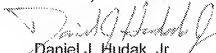
Independent claim 21 has been added in order to further define the invention. Independent claim 21 is similar to independent claim 1 and further defines that the closing hook comprises a lubricating channel expiring on a contact surface adjacent to a king pin. Support for the limitation wherein the closing hook comprises a lubricating channel expiring on a contact surface agent to a king pin is set forth in at least paragraph [0043] of the substitute specification as well as Figs. 2 and 3. Fig. 2 particularly illustrates lubricating channel 23 expiring or running out onto contact surface

15 which adapted to be adjacent to king pin. None of the cited references show a closing hook being provided with a lubricating channel.

Should the Examiner have any questions or concerns regarding this Response, a telephone call to the undersigned is greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA



Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/js
2020 Front St., Suite 307
Cuyahoga Falls, OH 44221
330-535-2220
Attorney Docket No.: FMW-CT-PCT-US (J 1201 US)